THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 33 of 2006

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DATED: 04.01.2006

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Between:

Satish Babu

… PETITIONER

AND

The Joint Collector,

Visakhapatnam & another.

… RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 33 of 2006

ORDER:-

This writ petition is filed to call for the records inclusive of the endorsement of the 1st respondent in CC.No.149 of 2005 CSR.5, dated 29.12.2005 and quash the same as illegal, unjust, arbitrary and violative of Articles 14 and 21 of the Constitution of India.

The petitioner submits that he has purchased ten seater Jeep bearing No. AP 31Y 2321 under hire purchase agreement from Cholamandalam Finance Limited, Siripuram, Visakhapatnam District, by obtaining a loan of Rs.3,60,000/- payable in 36 installments, and as such, he paid some installments. It is stated that the said jeep has been seized by the Mandal Revenue Officer, Paderu, vide proceedings, dated 22.12.2005, and submitted a report under Section 6A of the Essential Commodities Act before the Joint Collector, Visakhapatnam. The Joint Collector has taken the said report on file. Pending disposal of the 6A proceedings, the petitioner filed a petition on 23.12.2005 for the interim custody of the vehicle. The said petition has been registered by the 1st respondent vide his Endorsement CC.No.149/2005/CSR/5, dated 29.12.2005, against which the present writ petition has been filed.

The allegations made by the respondents are that the jeep was found carrying 336 liters of P.D.S. Kerosene worth Rs.3,360/- and therefore, the vehicle in which the essential commodities have been transported is also liable for seizer as the 6A proceedings are pending. If the vehicle is not released, it will be damaged due to exposure to sunlight and bad weather, and its value will also be diminished.

Having regard to the facts and circumstances of the case, the 1st respondent is directed to release the vehicle subject to the condition that the petitioner furnishes bank guarantee for a sum of Rs.1,60,000/- and also execute a personal bond for the remaining value of the said vehicle apart from filing an undertaking that he will produce the vehicle as and when required and he will not alienate or change the nature of the vehicle.

Accordingly, the writ petition is disposed of. No order as to costs.

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04.01.2006

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